

N.C. Shouldn't Disbar Joan Little's Lawyer

By JAMES RESTON JR.

For six months in 1975, North Carolina underwent the trauma of the Joan Little trial. It was a proceeding that would explore more than the issue of her guilt or innocence in the death of Clarence Allgood, the Beaufort County jailer. It would be cast both by her defense and by the national press as an exploration of justice in the New South. It would generate a useful debate on the right of a woman under sexual assault and on the nature of the North Carolina judicial system, with its death row population consisting of over one third of the national figure, its prisons the most crowded in the nation. It could generate discussion of the rights of prisoners in jail and open our jail system to scrutiny.

The fact that one case could involve five fundamental issues — women's rights, civil rights, prisoners' rights, capital punishment and the "New South" — was remarkable and unique. It is unlikely that a novelist's imagination could come up with a situation that could become so important to so many people as the mystery over what happened in Joan Little's cell on Aug. 27, 1974. Indeed, this combination of social issues in such a unique package seems necessary in the malaise of the 1970s to capture the interest of the American people.

Now a proceeding is under way that could bring back those days of trauma: the North Carolina State Bar's effort to disbar Jerry Paul, Joan Little's chief defense attorney.

In those six months in 1975,

North Carolina became very defensive, and for good reason. Beaufort County, somewhat unfairly to be sure, was portrayed as a model of Southern racism: redneck jailers and sheriffs, railroading prosecutors, a quintessential black and female victim, a state with its gas chamber ready.

It was in many ways an exercise in nostalgia for the national press — the '60s revisited, and what a relief from the malaise of the '70s. When Paul would allege racism in his case, the national press would lap it up. When he would say that without the press interest, his client would have been "railroaded into the gas chamber," a lot of people, including Southerners, believed him. When he would say that money was vital to a strong defense, virtually no one disagreed, and money poured in.

Indeed, it was Paul's insight — where a traditional lawyer might not have understood — that in a case engendering national interest, a new arena is created where only lawyer-publicists belong. Paul realized that playing to the expectations of the national press for redneck justice would redound to the benefit of his client. The inability of the prosecution to be equally effective with the press explains the silly and inept way the prosecutors came off. It doesn't have to be that way; look how savvy the prosecution was in the Patty Hearst case.

It is likely that Jerry Paul sincerely sees the South as basically the same as it was 15 years ago. It is certainly arguable that Eastern

In My Opinion



James Reston Jr.

North Carolina, where Paul made his law practice, is closer to the Old South than any other section of the state.

Have things changed so fundamentally? Is the lot of the black defendant in Eastern North Carolina fundamentally better than it used to be? How many black judges, black sheriffs and police chiefs are there? How many defense lawyers in Eastern North Carolina genuinely care what happens to the black clients that comprise the major

The North Carolina State Bar wants Jerry Paul, a Durham lawyer, disbarred for what it considers his misconduct while serving as chief defense attorney for Joan Little, the woman acquitted of murder last year in the death of a Beaufort County jailer who, she said, raped her in her jail cell.

James Reston Jr., who wrote about the Little trial for the New York Times Magazine, thinks it would be unjust to disbar Paul. Reston, a lecturer in creative writing at the University of North Carolina in Chapel Hill, is writing a book on the Little case.

Attorneys for Paul and the state bar are scheduled to argue motions in the disbarment proceedings in Superior Court in Durham next month.

part of most criminal law practices? Does the club of trial lawyers consider caring about black defendants undignified?

Now the lawyers' club, the North Carolina State Bar, charges that Jerry Paul was undignified in his demeanor at the Little trial, and discourteous to the court. And for that, the Club wants to disbar him.

The Club charges that Paul denounced the judicial system. But there is so much in the N.C. judicial system to denounce that that

could hardly be grounds to take a man's law license away — unless the Club wants to take away a lawyer's right to free speech. If lawyers can't criticize the legal system, who will? And when there is talk about the legal profession policing itself, that talk should center on this question: How is it that in the last three years, the N.C. legal system has gotten the reputation of being the most repressive in the nation?

The State Bar also depletes that Jerry Paul believed deeply in Joan Little's innocence and said so publicly. In a transparent effort to make the complaint seem evenhanded, the State Bar launched a similar complaint at John Wilkinson, the private prosecutor hired by the Allgood family, because he believed, equally sincerely, that Joan Little was guilty, and said so publicly. To put both men's professional careers in jeopardy for these beliefs, expressed in the heat of a nationally-followed lawsuit, has the ring of vindictiveness.

North Carolina would never have had to endure the embarrassment of the Joan Little case if it had acted on the obvious misbehavior of Clarence Allgood. He was found with his pants off and semen on his leg. Yet that seemed to count for nothing; the prosecution insisted on keeping Joan Little in jeopardy of the gas chamber for an entire year.

There never would have been national interest in the case had the charge not been first degree murder in a state that had by far

the largest deathrow population. Does anybody really think that \$350,000 could have been raised internationally to defend Joan Little if she had been charged with manslaughter? The maintenance to the bitter end of the first-degree murder charge did more harm to the dignity of the N.C. judicial system than Jerry Paul's behavior ever did.

There is a distinct tone of jealousy in this action against Paul. He became a nationally-known criminal



Paul

lawyer in the Joan Little case. Yet in the corridors of the courthouses after the case, it was common to hear other lawyers say that any competent lawyer could have won the case. Few were prepared to grant the credit where it was due. It was Jerry Paul who did it, and Joan Little came to him, not anybody else, because he had the reputation of fighting tenaciously for inept black clients in the East.

One needs only to travel in the black sections of the East with Paul to know how important he is to blacks in trouble there. If he is disbarred for his advocacy practice, it would do much to confirm the national impression that, Jimmy Carter notwithstanding, there really is not much substance to all this talk about the "New South" — at least where North Carolina is concerned.